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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,155	09/10/2003	James A. Van Bosch	IS01132TC-01	3723
64588 7590 12/15/2008 CONTINENTAL AUTOMOTIVE SYSTEMS TEMIC AUTOMOTIVE OF NORTH AMERICA, INC. 21440 WEST LAKE COOK ROAD PATENTS AND LICENSES, 7TH FLOOR DEER PARK, IL 60010				
EXAMINER				
GAUTHIER, GERALD				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
12/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/659,155

**Applicant(s)**

VAN BOSCH ET AL.

**Examiner**

Gerald Gauthier

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-12, 14, 15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 11, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-6, 8, 11, 12, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. (US 2004/0076177 A1) in view of Besharat et al. (US 6,219,540 B1).

Regarding **claim 1**, Koch discloses a client device [FIG. 1], comprising:

a network access device having at least a powered state and a power-off state, the powered state allowing the network access device to receive messages over a communication channel, the power-off state not allowing the network access device to receive messages over the communication channel, the network access device determines whether wireless coverage exists for the network access device and provides an indication of an out-of-coverage condition [the connectivity dialog provides a "Turn Wireless Off" link, represented in FIGS. 2 and 3 as links 226.sub.0 and 326.sub.0, respectively. In a preferred implementation, if there are no wireless devices to disable, the link is not shown. In the event that at least one radio is present but no radios are on, as represented in FIG. 5, the connectivity dialog 520 provides a corresponding "Turn Wireless On" link 526.sub.1, paragraph 0033].

Koch fails to disclose wherein upon receipt of the indication of the out-of-coverage condition, the controller waits a predetermined amount of time to determine if the network access device goes back into wireless coverage.

However, Besharat teaches a controller that determines time periods for the network access device to be in the powered state, the time periods based on a discontinuous reception parameter obtained from the network access device, the

controller also switching the network access device to the power-off state if there is an out-of-coverage condition for the network access device, wherein upon receipt of the indication of the out-of-coverage condition, the controller waits a predetermined amount of time to determine if the network access device goes back into wireless coverage before switching the network access device to the power-off state [When an out-of-range condition is initially detected by the signal quality detector 154, the OOR timer 138 and the ASO timer 140 are started, as will be described below, and upon time-out of the OOR timer 138, an OOR icon 210 can be displayed, as shown in view 200. When the ASO timer 140 times out, as will be described below, the date information 204 and time information 206 are changed to first visual warning including such information as "PAGER" 214 "OUT OF RANGE" 216 is displayed indicating that the communication device 100 has been out of range for at least a first predetermined period of time, as shown in view 212. The user of the communication device is also sensibly alerted to the out-of-range condition. The information remains displayed for a second predetermined period of time, to be described below, as shown in view 218. Once the second predetermined period of time has elapsed, the user of the communication device 100 is provided a second visual warning including such information as "PAGER" 214 "AUTO SHUTOFF" 216 indicating the pager auto shutoff mode is being activated, as shown in view 220, column 4, lines 27-57].

Regarding **claim 2**, Koch discloses a client device wherein the network access device indicates an out-of-coverage condition to the controller using a ring indicator [paragraph 0055].

Regarding **claims 3 and 14**, Koch discloses a client device wherein the network access device indicates an out-of-coverage condition to the controller using any signal on a communication bus therebetween [paragraph 0036].

Regarding **claims 4 and 15**, Koch discloses a client device wherein upon notice of the out-of-coverage condition from the network access device, the controller will be switched to a power-on state [paragraph 0055].

Regarding **claim 5**, Koch discloses a client device wherein upon indication of an out-of-coverage condition, the controller polls the network access device [paragraph 0037].

Regarding **claim 6**, Koch discloses a client device wherein the out-of-coverage condition is only indicated to the controller when the controller is in a power-off state [paragraph 0055].

Regarding **claim 8**, Koch discloses a client device wherein upon an out-of-coverage condition the network access device waits a predetermined amount of time to determine if the network access device goes back into wireless coverage before indicating the out-of-coverage condition to the controller [paragraph 0055].

Regarding **claim 11**, Koch discloses a client device wherein upon an out-of-coverage condition, the network access device can periodically turn on to search for coverage, wherein the interval between turned-on periods lengthens over time, the network access device providing an indication to the controller when changing search periods [paragraph 0045].

Regarding **claim 12**, Koch in combination with Besharat, disclose all the limitations of claim 12 as stated in claim 1's rejection.

***Allowable Subject Matter***

5. **Claims 9, 10, 17 and 18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to **claims 1-6, 8-12, 14, 15, 17 and 18** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner, Art Unit 2614

/GG/  
December 15, 2008